



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB6322

by Rep. Sonya M. Harper - Litesa E. Wallace and Monique D. Davis

SYNOPSIS AS INTRODUCED:

5 ILCS 315/4	from Ch. 48, par. 1604
5 ILCS 315/15	from Ch. 48, par. 1615
820 ILCS 40/8	from Ch. 48, par. 2008

Amends the Illinois Public Labor Relations Act. Provides that matters of inherent managerial policy over which employers are not required to bargain include the deletion of employee disciplinary reports, letters of reprimand, or other records of disciplinary action. Provides that nothing in the Act shall be construed to take precedence over the Personnel Record Review Act with regard to deletion of disciplinary reports, letters of reprimand, or other records of disciplinary action of peace officers. Amends the Personnel Record Review Act. Provides that an employer shall not delete peace officer disciplinary reports, letters of reprimand, or other records of disciplinary action which are more than 4 years old. Effective immediately.

LRB099 19471 RJF 43863 b

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Public Labor Relations Act is
5 amended by changing Sections 4 and 15 as follows:

6 (5 ILCS 315/4) (from Ch. 48, par. 1604)

7 (Text of Section WITH the changes made by P.A. 98-599,
8 which has been held unconstitutional)

9 Sec. 4. Management Rights. Employers shall not be required
10 to bargain over matters of inherent managerial policy, which
11 shall include such areas of discretion or policy as the
12 functions of the employer, standards of services, its overall
13 budget, the organizational structure and selection of new
14 employees, examination techniques and direction of employees.
15 Employers, however, shall be required to bargain collectively
16 with regard to policy matters directly affecting wages, hours
17 and terms and conditions of employment as well as the impact
18 thereon upon request by employee representatives, except as
19 provided in Section 7.5.

20 To preserve the rights of employers and exclusive
21 representatives which have established collective bargaining
22 relationships or negotiated collective bargaining agreements
23 prior to the effective date of this Act, employers shall be

1 required to bargain collectively with regard to any matter
2 concerning wages, hours or conditions of employment about which
3 they have bargained for and agreed to in a collective
4 bargaining agreement prior to the effective date of this Act,
5 except as provided in Section 7.5.

6 The chief judge of the judicial circuit that employs a
7 public employee who is a court reporter, as defined in the
8 Court Reporters Act, has the authority to hire, appoint,
9 promote, evaluate, discipline, and discharge court reporters
10 within that judicial circuit.

11 Nothing in this amendatory Act of the 94th General Assembly
12 shall be construed to intrude upon the judicial functions of
13 any court. This amendatory Act of the 94th General Assembly
14 applies only to nonjudicial administrative matters relating to
15 the collective bargaining rights of court reporters.

16 (Source: P.A. 98-599, eff. 6-1-14.)

17 (Text of Section WITHOUT the changes made by P.A. 98-599,
18 which has been held unconstitutional)

19 Sec. 4. Management Rights. Employers shall not be required
20 to bargain over matters of inherent managerial policy, which
21 shall include such areas of discretion or policy as the
22 functions of the employer, standards of services, its overall
23 budget, the organizational structure and selection of new
24 employees, examination techniques, ~~and~~ direction of employees,
25 and deletion of employee disciplinary reports, letters of

1 reprimand, or other records of disciplinary action. Employers,
2 however, shall be required to bargain collectively with regard
3 to policy matters directly affecting wages, hours and terms and
4 conditions of employment as well as the impact thereon upon
5 request by employee representatives.

6 To preserve the rights of employers and exclusive
7 representatives which have established collective bargaining
8 relationships or negotiated collective bargaining agreements
9 prior to the effective date of this Act, employers shall be
10 required to bargain collectively with regard to any matter
11 concerning wages, hours or conditions of employment about which
12 they have bargained for and agreed to in a collective
13 bargaining agreement prior to the effective date of this Act.

14 The chief judge of the judicial circuit that employs a
15 public employee who is a court reporter, as defined in the
16 Court Reporters Act, has the authority to hire, appoint,
17 promote, evaluate, discipline, and discharge court reporters
18 within that judicial circuit.

19 Nothing in this amendatory Act of the 94th General Assembly
20 shall be construed to intrude upon the judicial functions of
21 any court. This amendatory Act of the 94th General Assembly
22 applies only to nonjudicial administrative matters relating to
23 the collective bargaining rights of court reporters.

24 (Source: P.A. 94-98, eff. 7-1-05.)

25 (5 ILCS 315/15) (from Ch. 48, par. 1615)

1 (Text of Section WITH the changes made by P.A. 98-599,
2 which has been held unconstitutional)

3 Sec. 15. Act Takes Precedence.

4 (a) In case of any conflict between the provisions of this
5 Act and any other law (other than Section 5 of the State
6 Employees Group Insurance Act of 1971 and other than the
7 changes made to the Illinois Pension Code by Public Act 96-889
8 and other than as provided in Section 7.5), executive order or
9 administrative regulation relating to wages, hours and
10 conditions of employment and employment relations, the
11 provisions of this Act or any collective bargaining agreement
12 negotiated thereunder shall prevail and control. Nothing in
13 this Act shall be construed to replace or diminish the rights
14 of employees established by Sections 28 and 28a of the
15 Metropolitan Transit Authority Act, Sections 2.15 through 2.19
16 of the Regional Transportation Authority Act. The provisions of
17 this Act are subject to Section 7.5 of this Act and Section 5
18 of the State Employees Group Insurance Act of 1971. Nothing in
19 this Act shall be construed to replace the necessity of
20 complaints against a sworn peace officer, as defined in Section
21 2(a) of the Uniform Peace Officer Disciplinary Act, from having
22 a complaint supported by a sworn affidavit.

23 (b) Except as provided in subsection (a) above, any
24 collective bargaining contract between a public employer and a
25 labor organization executed pursuant to this Act shall
26 supersede any contrary statutes, charters, ordinances, rules

1 or regulations relating to wages, hours and conditions of
2 employment and employment relations adopted by the public
3 employer or its agents. Any collective bargaining agreement
4 entered into prior to the effective date of this Act shall
5 remain in full force during its duration.

6 (c) It is the public policy of this State, pursuant to
7 paragraphs (h) and (i) of Section 6 of Article VII of the
8 Illinois Constitution, that the provisions of this Act are the
9 exclusive exercise by the State of powers and functions which
10 might otherwise be exercised by home rule units. Such powers
11 and functions may not be exercised concurrently, either
12 directly or indirectly, by any unit of local government,
13 including any home rule unit, except as otherwise authorized by
14 this Act.

15 (Source: P.A. 98-599, eff. 6-1-14.)

16 (Text of Section WITHOUT the changes made by P.A. 98-599,
17 which has been held unconstitutional)

18 Sec. 15. Act Takes Precedence.

19 (a) In case of any conflict between the provisions of this
20 Act and any other law (other than Section 5 of the State
21 Employees Group Insurance Act of 1971 and other than the
22 changes made to the Illinois Pension Code by this amendatory
23 Act of the 96th General Assembly), executive order or
24 administrative regulation relating to wages, hours and
25 conditions of employment and employment relations, the

1 provisions of this Act or any collective bargaining agreement
2 negotiated thereunder shall prevail and control. Nothing in
3 this Act shall be construed to replace or diminish the rights
4 of employees established by Sections 28 and 28a of the
5 Metropolitan Transit Authority Act, Sections 2.15 through 2.19
6 of the Regional Transportation Authority Act. The provisions of
7 this Act are subject to Section 5 of the State Employees Group
8 Insurance Act of 1971. Nothing in this Act shall be construed
9 to replace the necessity of complaints against a sworn peace
10 officer, as defined in Section 2(a) of the Uniform Peace
11 Officer Disciplinary Act, from having a complaint supported by
12 a sworn affidavit. Nothing in this Act shall be construed to
13 take precedence over Section 8 of the Personnel Record Review
14 Act with regard to deletion of disciplinary reports, letters of
15 reprimand, or other records of disciplinary action of peace
16 officers.

17 (b) Except as provided in subsection (a) above, any
18 collective bargaining contract between a public employer and a
19 labor organization executed pursuant to this Act shall
20 supersede any contrary statutes, charters, ordinances, rules
21 or regulations relating to wages, hours and conditions of
22 employment and employment relations adopted by the public
23 employer or its agents. Any collective bargaining agreement
24 entered into prior to the effective date of this Act shall
25 remain in full force during its duration.

26 (c) It is the public policy of this State, pursuant to

1 paragraphs (h) and (i) of Section 6 of Article VII of the
2 Illinois Constitution, that the provisions of this Act are the
3 exclusive exercise by the State of powers and functions which
4 might otherwise be exercised by home rule units. Such powers
5 and functions may not be exercised concurrently, either
6 directly or indirectly, by any unit of local government,
7 including any home rule unit, except as otherwise authorized by
8 this Act.

9 (Source: P.A. 95-331, eff. 8-21-07; 96-889, eff. 1-1-11.)

10 Section 10. The Personnel Record Review Act is amended by
11 changing Section 8 as follows:

12 (820 ILCS 40/8) (from Ch. 48, par. 2008)

13 Sec. 8. Except as otherwise provided in this Section, an An
14 employer shall review a personnel record before releasing
15 information to a third party and, except when the release is
16 ordered to a party in a legal action or arbitration, delete
17 disciplinary reports, letters of reprimand, or other records of
18 disciplinary action which are more than 4 years old. An
19 employer shall not delete disciplinary reports, letters of
20 reprimand, or other records of disciplinary action of peace
21 officers, as defined in Section 3 of the Illinois Public Labor
22 Relations Act, which are more than 4 years old.

23 (Source: P.A. 83-1104.)

24 Section 99. Effective date. This Act takes effect upon

1 becoming law.